IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32(2) (b))

Description of case

No. 645 of (M/S) 2003, decided on 25.07.2003

Smt. Rajendra Kaur ---Petitioner

Vs.

Civil Judge (Senior Division)

Dehradun & others ---Respondents

A.F.R. (Approved for reporting)
~~Not approved for reporting~~

Date

Initials of Judge

Note- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

COURT NO.6

HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 645 OF 2003

CIVIL SIDE

Smt. Rajendra Kaur …….. PETITIONER

Versus

Civil Judge (Senior Division) Dehradun & others …… RESPONDENTS

Hon'ble Rajesh Tandon J.

Heard. The grievance of the petitioner is that he has filed a release application being case No. 50 of 2001 but the same has not yet been disposed of. He claimed to be the owner and landlord of the property situated at Dehradun.

In paragraph 5 of the writ petition it has been mentioned that at the time of letting out he was in service at Delhi but now he is retired. Application for release is said to have been filed in the year 2001 and the same has yet not been disposed of and as such the petitioner prays that his release application may be disposed of expeditiously.

Rule 15 of U.P. Act no. XIII of 1972 is a guide line for the application under section 21 (1)(a). Sub Rule (3) of Rule 15 provides that every application, as far as possible, shall be disposed of within a period of two months from the date of its presentation. Rule 15 (3) is quoted below:

(3) Every application referred to in sub rule (1) shall, as far as possible, be decided within two months from the date of its presentation.

According to the petitioner the application has been filed in the year 2001 and two years have already been passed.

However, it may be pointed out that Rent Control legislation is a welfare legislation for both the landlord and the tenant. The delay, therefore, may cause difficulty to both. It is the duty of the courts below to see that since the landlord has filed the application for bona fide requirements, his cause may not be defeated. The legislature, therefore, was fully aware that if the litigation is prolonged, the land lord may suffer hardship, and further due to high prices, the tenant may not be able to get suitable accommodation. Preamble of Act no.13 of 1972 provides that the Act is meant for general public. It reads as under:

An Act to provide, in the interest of the general public, for the regulation of letting and rent of, and the eviction of tenants from, certain classes of buildings situated in urban areas, and for matters connected therewith".

Considering the facts and circumstances of the case the Prescribed Authority is directed to decide the release application of the petitioner according to the intention of the legislature as contained under the rules.

The petitioner shall file an application before the Prescribed Authority for a direction in this regard. If such an application is filed the Prescribed Authority shall dispose of the same within a period of four months from the date of filing of certified copy of the order.

The writ petition is disposed of finally with the above observations.

(Rajesh Tandon, J.)

25.07.2003
*Dhyani